UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMALGAMATED TRANSIT UNION LOCAL 1498, AFL-CIO

and

Case 18-CB-080309

EUGENE JONES, An Individual

MOTION FOR DEFAULT JUDGMENT

Counsel for the Acting General Counsel in the above-captioned case hereby moves that the Board, in order to effectuate the purposes of the Act and to avoid unnecessary delay, exercise its power under Section 102.50 of the Board's Rules and Regulations and transfer this proceeding to the Board for final determination on the basis of the pleadings filed.

Counsel for the Acting General Counsel further moves that, upon transfer of this proceeding to the Board, the Board issue an appropriate Order to Show Cause why a Default Judgment should not be entered against Respondent and fix a time for the filing of briefs by all parties in this proceeding, the brief of the Acting General Counsel being submitted herewith. As shown by the attached Table of Exhibits, copies of the charge and first amended charge, Complaint and all other relevant papers are attached to this Motion as exhibits and incorporated herein by reference.

In support of this Motion, Counsel for the Acting General Counsel alleges that, Respondent having failed to file its Answer to the Complaint, the only issues before the Board are legal in nature and there is no issue of disputed fact warranting a hearing in this matter.

Dated at Minneapolis, Minnesota this 13th day of July, 2012.

/s/ Chinyere C. Ohaeri

Chinyere C. Ohaeri
Counsel for the Acting General Counsel
Eighteenth Region
National Labor Relations Board
Suite 790
330 Second Avenue South
Minneapolis, MN 55401-2221

Attachments

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMALGAMATED TRANSIT UNION LOCAL 1498, AFL-CIO

and

Case 18-CB-080309

EUGENE JONES, An Individual

BRIEF OF COUNSEL FOR THE ACTING GENERAL COUNSEL IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

Eugene Jones, the Charging Party, filed a charge on May 4, 2012,¹ and an amended charge on June 14 alleging that Amalgamated Transit Union Local 1498, AFL-CIO, Respondent, violated Section 8(b)(1)(A) of the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151 et seq. Respondent has failed to file an answer to the Acting General Counsel's Complaint. Accordingly, the pleadings do not raise any issues of fact that warrant a hearing.

ARGUMENT

Counsel for the Acting General Counsel submits that the pleadings in the instant case, together with the attached exhibits, demonstrate that there are no issues of fact in this proceeding that would necessitate or justify a hearing. In this regard, the attached exhibits establish that the charge was filed and served by first class mail (Exhibits 1 & 2); that a Complaint and Notice of Hearing was

¹ All dates hereafter are in 2012 unless otherwise specified.

issued and served by certified mail, together with the first amended charge (Exhibits 3 through 5); ² and that Respondent has failed to file an answer to the Acting General Counsel's Complaint despite being given an extension to do so (Exhibit 6). Respondent did not file an answer by July 9 nor contact the Counsel for the Acting General Counsel by telephone or email.

The record establishes that the Acting General Counsel properly served the Complaint. The Board's Rules and regulations Section 102.113 provides that complaints shall be served upon a party by certified mail. Service of a Complaint "is accomplished by deposit in the mail to the last known address of a respondent." National Automatic Sprinkler, Inc., 307 N.L.R.B. 481, 482 fn.1 (1992); see also CCY New Worktech, Inc., 329 N.L.R.B. 194 (1999) (holding that service of a complaint is effective upon mailing, which can be proven by affidavits of service from Board agents). The Acting General Counsel satisfied this service requirement by serving a copy of the Complaint by certified mail to Respondent's address. Respondent in fact accepted receipt of the Complaint. See Exhibit 7.

The Board's Rules and Regulations Section 102.20 and 102.21 provide that the allegations in the Acting General Counsel's Complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. Further, the Complaint served on Respondent specified that unless an answer is filed within 14 days of service, the allegations in the Complaint shall be considered admitted. Respondent failed to file an answer within 14 days from service of the Complaint, as extended on July 2. See Exhibit

² Although the Complaint was properly served on Respondent, we apparently had an incorrect address for Respondent's Counsel. Accordingly, the Complaint was reserved on two occasions to Respondent's Counsel. See Exhibit 5.

6. Therefore, Respondent's failure to file an answer in compliance with the Board's Rules and Regulations necessitates that the Board treat the allegations in the Complaint as admitted.

Absent an answer by Respondent, the allegations in the Complaint are deemed admitted and therefore there are no factual matters in dispute.

Accordingly, no necessity for a hearing exists and the instant case may properly be determined upon the legal issues in controversy based on the pleadings and documentary support that have been identified as exhibits in the Motion for Default Judgment.

CONCLUSION

The Board is urged to issue an Order transferring this case to the Board and an Order to Show Cause why Counsel for the Acting General Counsel's Motion should not be granted. As Respondent has filed no answer, Counsel for the Acting General Counsel urges the Board to grant the Motion for Default Judgment and find that Respondent violated Section 8(b)(1)(A) of the Act, as alleged in the Complaint.

Dated at Minneapolis, Minnesota this 13th day of July, 2012.

/s/ Chinyere C. Ohaeri

Chinyere C. Ohaeri
Counsel for the Acting General Counsel
Eighteenth Region
National Labor Relations Board
Suite 790
330 Second Avenue South
Minneapolis, MN 55401-2221

TABLE OF EXHIBITS

- 1. Charge Against Labor Organization filed May 4, 2012.1
- 2. Affidavit of Service of Charge Against Labor Organization dated May 4.
- 3. Complaint and Notice of Hearing dated June 14.
- 4. First Amended Charge Against Labor Organization filed June 14.
- Affidavit of Service of Complaint and First Amended Charge Against Labor
 Organization dated June 14.
- Email from Counsel to the Acting General Counsel to Respondent's Counsel dated July 2.
- 7. Certified Mail Receipt with Respondent's signature which was received by the Region on June 20.
- 8. Order Postponing Hearing indefinitely dated July 13.
- 9. Affidavit of Service of Order Postponing Hearing indefinitely dated July 13.

-

¹ All dates hereafter are in 2012 unless otherwise specified.

UNITED STATES OF AMA		DO NO. RITE IN THIS SPACE			IN THIS SPACE		
NATIONAL LABOR RELATIONS BOARD Case				Date filed			
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		1	-¢ B-080309		May 4, 2012		
INSTRUCTIONS: File an original of this charge with the	ne NLRB Re	egional Dir	ector of the regi	on in which	the alleged unfair labor practice		
occurred or is occurring. 1. LABOR ORGANIZATION	I OP ITS AG	ENTS AGAI	NST WHICH CHA	DGE IS BDC	NIGHT		
a. Name	TORTIONO	LIVIO AGAI	b. Union Repre				
AMALGAMATED TRANSIT UNION LOCAL NO. 1498			RICHARD DAV				
c. Address 421 N SEMINOLE DR, INDEPENDENCE, MO 64056-2238			d. Tel. No.	e.Cell			
			(816)796-32		6)718-0527		
			f. Fax N		g. e-Mail		
			(816)796-05				
 h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) 							
On or about March 2012, the above named Union, by its Union President Richard Davis, unlawfully collected dues from Eugene Jones paycheck without authorization which were not due and owing.							
3. Name of Employer			4a. Tel. No.	4b. C	ell No.		
JEFFERSON LINES L.P.			(612)332-	4d. e-			
		Ì	8745		•		
				4c. Fax No.			
		i	(612)332-				
			5532	· · · · · · · · · · · · · · · · · · ·			
5. Location of Plant involved (street, city, state, and ZIP of	code)		6. Employer representative to contact				
2100 E 26 TH ST			LINDA GIL				
MINNEAPOLIS, MN 55404-4101			HUMAN RESOURCES				
7. Type of Establishment (factory, mine, wholesaler)							
	_	-					
	RANSPORTATION COMPANY BUS TRANSPO			20	445 0-11 No		
10. Full name of party filing charge EUGENE JONES					11b. Cell No.		
EUGENE JUNES			(651)336-7718		(612)227-1065		
			11c. Fax No.		11d e-Mail		
					winwinuready@live.com		
11. Address of party filing charge (street, city, state, and ZIP code)							
3743 BRYANT AVE N, MINNEAPOLIS, MN 5							
12. DECLARATION							
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.							
			<u> </u>		Tel No.		
By: Eugene L. Jewes EUGENE JO					(651)336-7718		
					Cell No.		
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		(612)227-1065					
(signature of representative or person making charge Print/type n			ame and title or o	ffice, if	Fax No.		
any)			Deter		o Bulait		
Address:			Date:	117	e-Mail		
3743 BRYANT AVE N, MINNEAPOLIS, MN 55412-2156			1 4-6	6-12	winwinuready@live.com		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

EXHIBIT

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

AMALGAMATED	TRANSIT	UNION	LOCAL
NO. 1498			

Charged Party

and

Case 18-CB-080309

EUGENE JONES

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 4, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

RICHARD DAVIS AMALGAMATED TRANSIT UNION LOCAL NO. 1498 **421 N SEMINOLE DR** INDEPENDENCE, MO 64056-2238

Date

May 4, 2012

Deborah Amburn, Designated Agent of

NLRB

Name

Albert amburn Signature

EXHIBIT

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION EIGHTEEN

AMALGAMATED TRANSIT UNION LOCAL 1498, AFL-CIO

and

Case 18-CB-080309

EUGENE JONES, An Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing, which is based on a charge filed by Eugene Jones, an individual (Charging Party), is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, and alleges that Amalgamated Transit Union Local 1498, AFL-CIO (Respondent), has violated the Act by engaging in the following unfair labor practices:

- 1.(a) The charge in this proceeding was filed by the Charging Party on May 4,2012, and a copy was served by regular mail on Respondent on about that same date.
- (b) The first amended charge in this proceeding was filed by the Charging Party on June 14, 2012, and a copy is being served on Respondent with this Complaint and Notice of Hearing.
- 2.(a) At all material times, Jefferson Partners L.P. (the Employer), has been a limited partnership with an office and place of business in Minneapolis, Minnesota (Employer's facility) and various branch locations in the States of Minnesota, Kansas,

North Dakota, South Dakota, and Arkansas, and has been engaged in the interstate and intrastate transportation of passengers.

- (b) In conducting its operations described above in subparagraph (a) during the calendar year ending December 31, 2011, the Employer derived gross revenues in excess of \$250,000 from the transportation of passengers from the State of Minnesota directly to points outside the State of Minnesota.
- (c) At all material times, the Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.
- 3. At all material times, Respondent has been a labor organization within the meaning of Section 2(5) of the Act.
- 4. At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

Richard Davis - Union President/Business Agent

Jay Keller - Union Representative

- 5.(a) At all material times, by virtue of Section 9(a) of the Act, Respondent has been the exclusive collective-bargaining representative of certain employees of the Employer as described in Article 3, Recognition, of the most recent collective bargaining agreement (Agreement), between the Employer and Respondent. This Agreement was originally effective by its terms from March 1, 2009 to February 29, 2012, and has been extended by the parties until at least July 1, 2012.
- (b) The Agreement described above in subparagraph (a) contains a union security clause in Article 9, Maintenance of Membership, which requires, among other

things, that employees apply for membership with Respondent within 30 days of employment with the Employer. The Charging Party is covered by the union security clause.

- (c) Respondent expends monies collected pursuant to the union security clause described above in subparagraph (b) on activities germane to collective bargaining, contract administration, and grievance adjustment (representational activities), and on activities not germane to collective bargaining, contract administration, and grievance adjustment (non-representational activities).
- (d) Since about March 2012, Respondent has failed to inform the Charging Party of the following information:

That he has the right to be or remain a nonmember;

That he has the right as a nonmember to object to paying for nonrepresentational activities and to obtain a reduction in fees for such nonrepresentational activities;

That he has the right to be given sufficient information to enable him to intelligently decide whether to object; and

That he has the right as a nonmember to be apprised of any internal union procedures for filing objections.

- 6. During the six months prior to the filing of the first amended charge in this proceeding as described above in paragraph 1, subparagraph (b), Respondent has restrained and coerced employees of the Employer in the exercise of the rights guaranteed in Section 7 of the Act by engaging in the following acts and conduct:
- (a) During the six months prior to the filing of the first amended charge in this proceeding as described above in paragraph 1, subparagraph (b), Respondent has maintained and enforced a clause in its collective bargaining agreement with the Employer, as described above in paragraph 5, subparagraph (a), including a clause

requiring employees to be members of Respondent, as described above in paragraph 5, subparagraph (b).

- (b) Since about late March 2012, Respondent has sought to collect and has collected retroactive dues from the Charging Party pursuant to the union security clause described above in 5, subparagraph (b), despite the fact that the Respondent did not provide the Charging Party with the information described above in paragraph 5, subparagraph (d).
- (c) Since about late March 2012, Respondent has sought to collect and has collected retroactive dues from the Charging Party pursuant to the union security clause described above in 5, subparagraph (b), despite the fact that the Charging Party did not authorize Respondent to do so.
- (d) Since about late March 2012, Respondent has sought to collect and has collected current dues from the Charging Party pursuant to the union security clause described above in 5, subparagraph (b), despite the fact that Respondent did not provide the Charging Party with the information described above in paragraph 5, subparagraph (d).
- (e) On about May 16, 2012, Respondent, through its agent Jay Keller, in a telephone conversation, told the Charging Party that Respondent would not accept his resignation from union membership until December 2012.
- 7. By the conduct described above in paragraph 6, Respondent has been restraining and coercing employees in the exercise of their rights guaranteed in Section 7 of the Act, in violation of Section 8(b)(1)(A) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraph 6, the Acting General Counsel seeks an order requiring Respondent to request that the Employer re-negotiate the clause of the collective bargaining agreement requiring employees to become members of Respondent, notify the Employer that it will not seek to enforce that clause, and notify employees covered by the agreement that Respondent will not attempt to enforce that clause against them; to provide the Charging Party with notice in writing of his right to be or remain a non-member of Respondent under NLRB v. General Motors, 373 U.S. 734 (1963), and the rights of nonmembers under Communications Workers v. Beck, 487 U.S. 735 (1988), to object to paying for union activities not germane to Respondent's duties as bargaining agent, and to obtain a reduction in fees for such activities; and to reimburse the Charging Party. with interest, for all dues improperly collected, including, if the Charging Party elects to be a Beck objector, the portion of dues not germane to Respondent's duties as bargaining agent. The Acting General Counsel seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be <u>received by this office on or before June 28, 2012, or postmarked on or before June 27, 2012</u>. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on File Case Documents, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature. then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on August 14, 2012, at 9:00 a.m., in the NLRB

Hearing Room, 330 South 2nd Avenue, Suite 790, Minneapolis, Minnesota, and on

consecutive days thereafter until concluded, a hearing will be conducted before an

administrative law judge of the National Labor Relations Board. At the hearing,

Respondent and any other party to this proceeding have the right to appear and present

testimony regarding the allegations in this complaint. The procedures to be followed at

the hearing are described in the attached Form NLRB-4668. The procedure to request

a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Minneapolis, Minnesota, this 14th day of June, 2012.

Marlin O. Osthus, Regional Director

Region 18

National Labor Relations Board 330 South Second Avenue, Suite 790 Minneapolis, Minnesota 55401

Attachments

-7-

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT

The hearing will be conducted by an administrative law judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial finder of the facts and applicable law whose decision in due time will be served on the parties. The offices of the administrative law judges are located in Washington, DC; San Francisco, California; New York, N.Y.; and Atlanta, Georgia.

At the date, hour, and place for which the hearing is set, the administrative law judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to ensure that the issues are sharp and clearcut; or the administrative law judge may independently conduct such a conference. The administrative law judge will preside at such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record, for example, in the form of statements of position, stipulations, and concessions. Except under unusual circumstances, the administrative law judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues.)

Parties may be represented by an attorney or other representative and present evidence relevant to the issues. All parties appearing before this hearing who have or whose witnesses have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.603, should notify the Regional Director as soon as possible and request the necessary assistance.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the administrative law judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the administrative law judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the administrative law judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The administrative law judge will allow an automatic exception to all adverse rulings and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

All exhibits offered in evidence shall be in duplicate. Copies of exhibits should be supplied to the administrative law judge and other parties at the time the exhibits are offered in evidence. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the administrative law judge before the close of hearing. In the event such copy is not submitted, and the filing has not been waived by the administrative law judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. In the absence of a request, the administrative law judge may ask for oral argument if, at the close of the hearing, it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

In the discretion of the administrative law judge, any party may, on request made before the close of the hearing, file a brief or proposed findings and conclusions, or both, with the administrative law judge who will fix the time for such filing. Any such filing submitted shall be double-spaced on 8½ by 11 inch paper.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations, with respect to the procedure to be followed <u>before</u> the proceeding is transferred to the Board:

No request for an extension of time within which to submit briefs or proposed findings to the administrative law judge will be considered unless received by the Chief Administrative Law Judge in Washington, DC (or, in cases under the branch offices in San Francisco, California; New York, New York; and Atlanta, Georgia, the Associate Chief Administrative Law Judge) at least 3 days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or the Associate Chief Administrative Law Judge, as the case may be. A quicker response is assured if the moving party secures the positions of the other parties and includes such in the request. All briefs or proposed findings filed with the administrative law judge must be submitted in triplicate, and may be printed or otherwise legibly duplicated with service on the other parties.

In due course the administrative law judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of this decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the administrative law judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the administrative law judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations. If adjustment appears possible, the administrative law judge may suggest discussions between the parties or, on request, will afford reasonable opportunity during the hearing for such discussions.

UNITED STATES OF AMERICA		NOT WOIT	E IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD	Case	Date filed		
FIRST AMENDED CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS	18-CB-080309		June 14, 2012	
INSTRUCTIONS: File an original of this charge with the NLRB R	Regional Director of the re	gion in wh	ich the alleged unfair labor practice	
occurred or is occurring. 1. LABOR ORGANIZATION OR ITS AC	CENTS ACAINST WILIOU C	HADCE IS D	POHOUT	
a. Name	b. Union Rep			
AMALGAMATED TRANSIT UNION LOCAL NO. 1498		RICHARD DAVIS		
c. Address 421 N SEMINOLE DR, INDEPENDENCE, MO 64056-2		236 (eli No. 816)718-0527	
	f. Fax (816)796-0		e-Mail	
h. The above-named labor organization or its agents have engaged 8(b), subsection(s) (1)(A) of the National Labor Relations Act, an the meaning of the Act, or are unfair practices affecting commerc Basis of the Charge (set forth a clear and concise statement of the	d in and are engaging in un nd these unfair labor practic ce within the meaning of the	fair labor pra es are unfai e Act and the	r practices affecting commerce within e Postal Reorganization Act.	
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Within the past six months and continuing to date the	ne Union has maintair	ed and e		
Within the past six months and continuing to date the security clause requiring application of membership. 3. Name of Employer JEFFERSON PARTNERS L.P.	ne Union has maintair). 4a. Tel. No.	and end end end end end end end end end e	nforced an unlawful union	
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Within the past six months and continuing to date the security clause requiring application of membership. 3. Name of Employer JEFFERSON PARTNERS L.P. 5. Location of Plant involved (street, city, state, and ZIP code) 2100 E 26TH ST, MINNEAPOLIS, MN 55404-4101	4a. Tel. No. (612)332-4c. Fax No. (612)332-6. Employer	and end end end end end end end end end e	nforced an unlawful union 4b. Cell No. 4d. e-Mail	
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WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

6-14

e-Mail

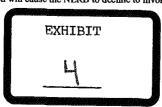
winwinuready@live.com

Address:

3743 BRYANT AVE N, MINNEAPOLIS, MN 55412-2156

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 18

AMALGAMATED	TRANSIT	UNION	LOCAL
NO. 1498			

and

Case 18-CB-080309

EUGENE JONES, an Individual

AFFIDAVIT OF SERVICE OF: <u>Complaint and Notice of Hearing, dated June 14, 2012</u> and <u>First Amended Charge filed June 14, 2012</u>.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **June 14, 2012**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

RICHARD DAVIS
AMALGAMATED TRANSIT UNION
LOCAL NO. 1498
421 N SEMINOLE DR
INDEPENDENCE, MO 64056-2238
(Certified Mail – Return Receipt Requested)

EUGENE JONES 3743 BRYANT AVE N MINNEAPOLIS, MN 55412-2156 (Charging Party - Certified Mail)

LINDA GIL , HUMAN RESOURCES JEFFERSON PARTNERS L.P. 2100 E 26TH ST MINNEAPOLIS, MN 55404-4101 (Certified Mail) WESTON R. MOORE, ATTORNEY 18516 S MULBERRY CT GARDNER, KS 66030-9214 (Attorney for Charged Party)

Re-sent on 6/25/12 to the following address:

WESTON R. MOORE, ATTORNEY 121 A EAST PARK STREET OLATHE, KS 66062

Second re-sending on 6/27/12 to revised address:

WESTON R. MOORE, ATTORNEY 15920 WEST 149 ST OLATHE, KS 66062

June 14, 2012

Date

Olga Bestilny, Designated Agent of NLRB

Name

Signature

EXHIBIT

Ohaeri, Chinyere C.

From: Ohaeri, Chinyere C.

Sent: Monday, July 02, 2012 10:56 AM

To: 'Moore Law Center'

Cc: Fox, James L.; Burgess-Peel, Nichole L.

Subject: 18-CB-080309 Amalgamated Transit Union Local 1498

NxGen: Uploaded

Dear Mr. Moore:

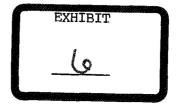
The Union's answer to the complaint issued in the above captioned case was due on June 28, 2012. As of today, the answer has not yet been received; however, the Region will extend the due date. The Union's answer must be received by July, 9, 2012. If we do not receive the answer by July 9, we will file a motion for default judgment in this case.

Please note that if the Union is interested in settling this case, the parties must agree to a <u>formal</u> settlement. My intention is to provide you with the formal settlement prior to the conference call with the judge. If you have any questions, please contact me via the information provided below.

Very truly yours,

Chinyere

CHINYERE OHAERI
FIELD ATTORNEY
National Labor Relations Board
Region 18
330 2nd Ave. South, Suite 790
Winneapolis, MN 55401
P: 612.348.1766
F: 612.348.1785
E: Chinyere.Ohaeri@nlrb.gov



450462995	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Stagens and an a	 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailplece, or on the front if space permits. 	A. Signature X. Secolution Land Land Agent By Beceived by (Printed Name) C. Date of Delivery
Service of the servic	1. Article Addressed to: RICHARD DAVIS AMALGAMATED TRANSIT UNION LOCAL 1498 421 N SEMINOLE DR	D. Is delivery address different from item 1?
	INDEPENDENCE MO 64056-2238 CB-80309 ob CPT & NH	3. Service Type ORD Certified Mail
	2. Article Number (Transfer from service label) 7011 011	4. Restricted Delivery? (Extra Fee)
į	PS Form 3811, February 2004 Domestic Ret	urn Receipt 102595-02-M-1540

UNITED STATES POSTAL SERVICE

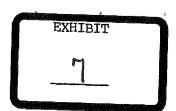


First-Class Mail Postage & Fees Paid USPS Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

WINNER-KOBISMONIKALIAN NOBAL LANOITAN

8 NORSH N



UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 18

AMALGAMATED TRANSIT UNION LOCAL NO. 1498

and

Case 18-CB-080309

EUGENE JONES, an Individual

ORDER POSTPONING HEARING INDEFINITELY

IT IS ORDERED that the hearing in the above matter set for Tuesday, August 14, 2012, is hereby postponed indefinitely.

Dated: July 13, 2012

JAMES L. FOX, ACTING REGIONAL

DIRECTOR

NATIONAL LABOR RELATIONS BOARD

REGION 18

330 2ND AVE S, STE 790

MINNEAPOLIS, MN 55401-2221

EXHIBIT

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD REGION 18

AMALGAMATED TRANSIT UNION LOCAL NO. 1498

and

Case 18-CB-080309

EUGENE JONES, an Individual

AFFIDAVIT OF SERVICE OF: Order Postponing Hearing Indefinitely, dated July 13, 2012.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 13, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

RICHARD DAVIS
AMALGAMATED TRANSIT UNION
LOCAL NO. 1498
421 N SEMINOLE DR
INDEPENDENCE, MO 64056-2238
(Certified Mail – Return Receipt Requested)

EUGENE JONES 3743 BRYANT AVE N MINNEAPOLIS, MN 55412-2156 (Certified Mail)

LINDA GIL, HUMAN RESOURCES JEFFERSON PARTNERS L.P. 2100 E 26TH ST MINNEAPOLIS, MN 55404-4101 WESTON R. MOORE, ATTORNEY 121 A EAST PARK ST OLATHE, KS 66061-3428

WESTON R. MOORE, ATTORNEY 15920 WEST 149 ST OLATHE, KS 66062

July 13, 2012

Paulette A. Jamison, Designated Agent, NLRB

Date

Name

Signature

EXHIBIT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion for Default Judgment and Brief of Counsel for the Acting General Counsel in Support of Motion for Default Judgment, with attached exhibits, was served by first-class mail on the 13th day of July, 2012, on the following parties:

RICHARD DAVIS AMALGAMATED TRANSIT UNION LOCAL NO. 1498 421 N SEMINOLE DR INDEPENDENCE, MO 64056-2238

WESTON R. MOORE, ATTORNEY 121 A EAST PARK ST OLATHE, KS 66061-3428

WESTON R. MOORE, ATTORNEY 15920 WEST 149 ST OLATHE, KS 66062

EUGENE JONES 3743 BRYANT AVE N MINNEAPOLIS, MN 55412-2156

LINDA GIL , HUMAN RESOURCES JEFFERSON PARTNERS L.P. 2100 E 26TH ST MINNEAPOLIS, MN 55404-4101

/s/ Chinyere C. Ohaeri

Chinyere C. Ohaeri Counsel for the Acting General Counsel